

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GERALD WASHINGTON	:	CIVIL ACTION
	:	
v.	:	
	:	
CITY OF PHILADELPHIA,	:	
et al.	:	NO. 10-176

ORDER

AND NOW this 2nd day of August, 2010, the Court having received no response from the plaintiff to its Order of June 23, 2010, requiring the plaintiff to show cause why his claims against seven of the defendants in this case -- Joseph J. O'Neill, Harold Emerson, Dean Clark, Wilson Williams, John Curran, Jesse DeGarmo, and Curran Contracting Inc. -- should not be dismissed, and after consideration of the merits of the plaintiff's claims against these seven defendants, IT IS HEREBY ORDERED, for the reasons set forth in a memorandum of today's date, that:

1. All of the plaintiff's claims against defendant Joseph J. O'Neill are DISMISSED WITH PREJUDICE.

2. The plaintiff's claims of fraudulent misrepresentation, willful misconduct, and intentional infliction of emotional distress against defendants Harold Emerson, Dean Clark, Wilson Williams, John Curran, Jesse DeGarmo, and Curran Contracting Inc. are DISMISSED WITH PREJUDICE.

3. The plaintiff's claims for abuse of process against defendants Harold Emerson, Dean Clark, Wilson Williams, John Curran, Jesse DeGarmo, and Curran Contracting Inc. are DISMISSED WITHOUT PREJUDICE. The plaintiff may file an amended complaint setting forth additional factual allegations in support of his abuse of process claim against these defendants on or before August 28, 2010. If the plaintiff does not file an amended complaint on or before that date, then this case will go forward only against the remaining two defendants in the case, the City of Philadelphia and Detective Francis Sheridan.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.